

September 6, 2023

By ECF

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Basciano v. United States*, Nos. 17-CV-3815; 05-CR-060 (NGG)

Dear Judge Garaufis:

The parties respectfully submit this joint letter in connection with defendant Vincent Basciano's petition for collateral relief filed in this case, pursuant to 28 U.S.C. § 2255 (05-CR-060, Dkt No. 1419), to request an extension of time for the parties to (1) secure all relevant portions of the trial transcript (including those portions previously sealed) and (2) provide the Court with a joint submission proposing a schedule for the resolution of the § 2255 petition. The parties respectfully request that the Court extend the due dates for both tasks until October 23, 2023.

Pursuant to the Court's June 14, 2023 Order, defense counsel has already provided the Government with any relevant currently sealed transcript excerpts in his possession and has diligently worked with the Government to identify other sealed portions of the transcript needed to properly respond to the § 2255 habeas petition. The Government has also diligently worked to identify and secure a complete trial record since such time. The parties have also contacted several court reporters to secure relevant portions of the transcripts that neither party currently possesses. Those requests remain pending. Also, the Government has made initial contact with trial counsel regarding the ineffectiveness claims at issue and it anticipates to be better situated to commit to a proposed schedule, which may include a proposed date for the submission of *Sparman* affidavits from former counsel, once a complete trial record has been secured.

The Court's time and consideration of the instant request are appreciated

Respectfully submitted,

/s/ Jack Dennehy
Jack Dennehy
Samantha Ward
Assistant U.S. Attorneys

/s/ Anthony DiPietro
Anthony DiPietro, Esq.
Counsel to Vincent Basciano

Application granted.

So Ordered.

s/Hon. Nicholas G Garaufis

Hon. Nicholas G. Garaufis

Date: 9/6/23